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10/816,975	04/02/2004	Narasimhan Sundararajan	MS#305305.01 (5228)	1693
38779 7590 08/13/2009 SENNIGER POWERS LLP (MSFI) 100 NORTH BROADWAY 17TH FLOOR ST. LOUIS, MO 63102				
EXAMINER				
KANE, CORDELLA P				
ART UNIT		PAPER NUMBER		
2432				
NOTIFICATION DATE		DELIVERY MODE		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

uspatents@senniger.com

Office Action Summary

Application No.

10/816,975

Applicant(s)

SUNDARARAJAN, NARASIMHAN

Examiner

CORDELIA KANE

Art Unit

2432

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 April 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 8-13 and 16-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 8-13 and 16-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see Remarks, filed April 27, 2009, with respect to the rejection(s) of claim(s) 1 – 5, 8 – 13, and 16 – 20 under 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made.

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 1-4, 8-12, 16-18, and 20 – 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pabla [US 7127613 B2], in view of Young [US 7024690 B1] and further in view of Crocker et al's US Publication 2003/0177194.
4. Regarding claims 1, 17, and 20 Pabla teaches a method for authenticating a sender of a digital object, comprising:
 - a. Recognizing a peer-to-peer (P2P) communication between a first client and a second client, said first client attempting to exchange information securely with said second client via the P2P communication without a third party mediation, said third party mediation including certificate authorities [Pabla 2: 31-46] [Pabla 5: 30-46];
 - b. Establishing an electronic mail protocol between the first client and the second client, said e-mail protocol, being separate from the P2P communication,

comprising Simple Mail Transport Protocol (SMTP) [Pabla 21: 23-29 --MIME content type uses SMTP.];

c. Generating a first unique identifier (UID) [Pabla 20: 20];

d. Transmitting from the first client to a previously known address of the second client, via the established electronic mail protocol, a first message comprising the first UID [Pabla 5: 55-59];

e. Receiving from the second client, via the electronic mail protocol, a second message directed to the first client comprising a second UID [Pabla 5: 61-64];

f. Wherein at least one of the messages transmitted to the previously known address between the first client and the second client further comprises the digital object [Pabla 5: 61-64], said digital object being used for authenticating the information to be exchanged between the first client and the second client via the P2P communication and not for authenticating the first e-mail message, the second e-mail message, or the third e-mail message [MPEP 2106 --Statements of intended use does not limit a claim to a particular structure, and therefore does not limit the scope of a claim or claim limitation.].

5. Pabla does not explicitly teach authenticating the user comprising transmitting from the first client to a previously known address of the second client, the first message comprising the first UID; receiving from the second client, the second message directed to the first client comprising a second UID and a copy of the first UID; verifying the copy of the first UID is identical to the first UID at the first client; and transmitting from the first

client to the previously known address of the second client, via the electronic mail protocol, a third e-mail message to the second client comprising a copy of the second UID. However, Young teaches:

- g. Generating a first unique identifier (UID) [Young 5: 46];
 - h. Transmitting from the first client to a previously known address of the second client, via an established protocol, a first message comprising a first UID [Young 5: 45-49];
 - i. Receiving from the second client, via the established protocol, a second message directed to the first client comprising a second UID and a copy of the first UID [Young 6: 5-8 --message authentication code contains copy of the first UID];
 - j. Verifying the copy of the first UID is identical to the first UID at the first client [Young 6: 15-21];
 - k. Transmitting from the first client to the previously known address of the second client, via the established protocol, a third message to the second client comprising a copy of the second UID [Young 6: 30-32 --the other message authentication code contains the copy of the second UID.].
6. It would have been obvious to one of ordinary skilled in the art at the time of invention to modify Pabla's exchange of network service messages by incorporating the established authentication protocol as taught by Young. The suggestion/motivation would have been to authenticate the service request messages prior to accepting any active content or digital objects that have been exchanged.

7. Pabla in view of Young does not explicitly disclose that the messages exchanged are SMTP email messages. However, Crocker discloses in order to provide security, exchanging public keys for secure communication via email (page 7, paragraph 101) and that the email uses SMTP (page 4, paragraph 51). Pabla, Young and Crocker are analogous art because they are from the same field of endeavor, networks. At the time of the invention, it would have been obvious to one of ordinary skill in the art, having the teachings of Pabla in view of Young and Crocker before him or her, to modify the messages of Pabla in view of Young to include the SMTP email of Crocker. The suggestion/motivation for doing so would have been to provide security (page 7, paragraph 101).

8. Regarding claims 2 and 10, Pabla in view of Young teaches the method of claim 1 wherein the first message further comprises the digital object [Pabla 5: 61-64].

9. Regarding claims 3 and 11, Pabla in view of Young teaches the method of claim 1 wherein the third message further comprises the digital object [Pabla 5: 61-64].

10. Regarding claims 4, 12, and 18, Pabla in view of Young teaches the method of claim 1 wherein the digital object is a public key for a cryptographic system [Pabla 5: 61-64].

11. Regarding claim 8, Pabla in view of Young teaches the method of claim 1 wherein the first UID contains at least 128 bits [Pabla Fig 12].

12. Regarding claims 9 and 16, Pabla teaches a method for authenticating a sender of a digital object, comprising:

- l. Recognizing a peer-to-peer (P2P) communication between a first client and a second client, said first client attempting to exchange information securely with said second client via the P2P communication without a third party mediation, said third party mediation including certificate authorities [Pabla 2: 31-46] [Pabla 5: 30-46];
- m. Establishing an electronic mail protocol between the first client and the second client, said protocol, being separate from the P2P communication [Pabla 21: 23-29 --MIME content type uses SMTP.];
- n. Receiving from the first client to a previously known address of the second client, via the established electronic mail protocol, a first message comprising a first UID [Pabla 5: 55-59];
- o. Generating a second UID at the second client [Pabla 20: 20];
- p. Transmitting from the second client, via the electronic mail protocol, a second message directed to the first client comprising a second UID [Pabla 5: 61-64];
- q. Wherein at least one of the messages transmitted to the previously known address between the first client and the second client further comprises the digital object [Pabla 5: 61-64], said digital object being used for authenticating the information to be exchanged between the first client and the second client via the P2P communication and not for authenticating the first e-mail message, the second e-mail message, or the third e-mail message [MPEP 2106 --Statements

of intended use does not limit a claim to a particular structure, and therefore does not limit the scope of a claim or claim limitation.].

13. Pabla does not explicitly teach authenticating the user comprising receiving from the first client to a previously known address of the second client, the first message comprising a first UID; transmitting from the second client, the second message directed to the first client comprising the second UID and a copy of the first UID; receiving conformation from the first client for verifying the copy of the first UID is identical to the first UID at the first client; and receiving at the second client, via the electronic mail protocol, a third e-mail message comprising a copy of the second UID.

14. However, Young teaches authenticating a user comprising:

r. Receiving from the first client to a previously known address of the second client, via an established protocol, a first message comprising a first UID [Young 5: 45-49];

s. Transmitting from the second client, via the established protocol, a second message directed to the first client comprising a second UID and a copy of the first UID [Young 6: 5-8 --message authentication code contains copy of the first UID];

t. Verifying the copy of the first UID is identical to the first UID at the first client [Young 6: 15-21];

u. Receiving at the second client, via the established protocol, a third message to the second client comprising a copy of the second UID [Young 6:

30-32 --the other message authentication code contains the copy of the second UID.].

15. It would have been obvious to one of ordinary skilled in the art at the time of invention to modify Pabla's exchange of network service messages by incorporating the established authentication protocol as taught by Young. The suggestion/motivation would have been to authenticate the service request messages prior to accepting any active content or digital objects that have been exchanged.

16. Pabla in view of Young does not explicitly disclose that the messages exchanged are SMTP email messages. However, Crocker discloses in order to provide security, exchanging public keys for secure communication via email (page 7, paragraph 101) and that the email uses SMTP (page 4, paragraph 51). Pabla, Young and Crocker are analogous art because they are from the same field of endeavor, networks. At the time of the invention, it would have been obvious to one of ordinary skill in the art, having the teachings of Pabla in view of Young and Crocker before him or her, to modify the messages of Pabla in view of Young to include the SMTP email of Crocker. The suggestion/motivation for doing so would have been to provide security (page 7, paragraph 101).

17. Regarding claims 21 and 22, Young teaches using the address of the sending client to index the UID of the sending client after verifying the UID is identical (column 5, lines 53-57).

18. Claims 5, 13, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pabla [US 7127613 B2], in view of Young [US 7024690 B1] in view of Crocker, and further in view of Dierks [Dierks 1999].

19. Regarding claims 5, 13 and 19, Pabla in view of Young in view of Crocker teaches the method of claim 4 wherein the TLS is used for generating session keys [Pabla 7: 25-26]. Pabla in view of Young in view of Crocker does not explicitly teach the second message further comprising a second public key for the cryptographic system. However, Dierks teaches generating session keys using TLS comprising a second message in a handshake include a second public key for the cryptographic system [Dierks Page 30, Fig 1]. It would have been obvious to one of ordinary skilled in the art at the time of invention to modify Pabla in view of Young in view of Crocker to include a second public key in the second message of a handshake as taught by Dierks. The suggestion/motivation would have been to follow the TLS protocol as part of generating session keys that require both party's public keys [Pabla 7: 25-26].

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CORDELIA KANE whose telephone number is (571)272-7771. The examiner can normally be reached on Monday - Thursday 8:00 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/C. K./
Examiner, Art Unit 2432

/Benjamin E Lanier/
Primary Examiner, Art Unit 2432